

AGENDA
FREMONT REDEVELOPMENT AGENCY REGULAR MEETING
MARCH 23, 2010
7:00 P.M.

- 1. CALL TO ORDER**
- 2. CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the Redevelopment Agency and will be enacted by one motion and one vote. There will be no separate discussion of these items unless an Agency Member or citizen so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda. Additionally, other items without a "Request to Address the Redevelopment Agency Board" card in opposition may be added to the consent calendar. (In the report section of the agenda, consent items are indicated by an asterisk.)

2.1 *Approval of Minutes – None.*

2.2 **SALE OF EXCESS CITY AND AGENCY PARCELS TO CALTRANS AND THE CONVEYANCE OF A STORM DRAIN EASEMENT TO CALTRANS FOR STATE ROUTE 238 (MISSION BOULEVARD AND NILES CANYON)**

Public Hearing (Published Notice) to Approve the Sale of Three Properties Owned by the City and the Redevelopment Agency Located at Essanay Place to the State Department of Transportation Needed for Spot Improvements Along State Route 238 (Mission Boulevard) and to Authorize the City Manager to Execute Grant Deeds, Easement Deed and Right-of-Way Agreement with the State Department of Transportation

Contact Person:

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Elisa Tierney
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510-494-4501
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RECOMMENDATION:

1. *Hold a Public Hearing.*
2. *Approve the sale to Caltrans of APN # 507-0796-028-00 for \$16,804.11 and 507-0796-068-00 for \$1,366.19 and authorize the Executive Director or designee to execute Grant Deeds and Right-of-Way contracts with the State of California, Department of Transportation.*

3. PUBLIC COMMUNICATIONS

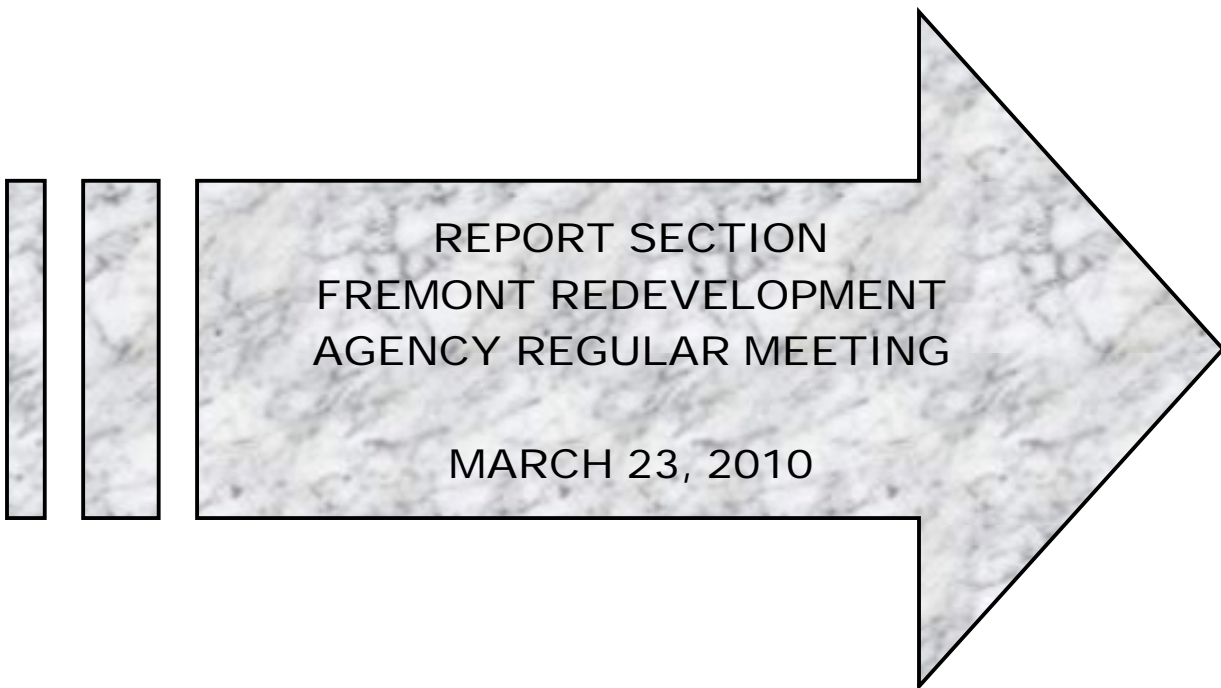
3.1 Oral and Written Communications

4. PUBLIC HEARINGS – None.

5. OTHER BUSINESS

5.1 Report Out from Closed Session of Any Final Action

6. ADJOURNMENT



***2.2 SALE OF EXCESS CITY AND AGENCY PARCELS TO CALTRANS AND THE CONVEYANCE OF A STORM DRAIN EASEMENT TO CALTRANS FOR STATE ROUTE 238 (MISSION BOULEVARD AND NILES CANYON)**

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Contact Person:

Name:	Randy Sabado	Elisa Tierney
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Dept.:	Community Development	Office of Housing & Redevelopment
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***Note:** A companion item is on the City Council Agenda*

Executive Summary: The State Route 238 (Mission Boulevard) spot improvement project has been completed with the City and Agency granting a Right of Entry to Caltrans to construct the project. The purpose of this report is to recommend that the City of Fremont Redevelopment Agency Board hold a Public Hearing and approve the sale of two parcels (APN # 507-0796-028-00 and APN # 507-0796-068-00 with 2,930 sq ft and 330 sq. ft, respectively) to the State of California, Department of Transportation (Caltrans) for the State Route 238 (Mission Boulevard) spot improvement project for a total of \$18,170.30. Also, authorize the Executive Director or his designee to execute grant deeds and right-of-way contracts with the State of California, Department of Transportation. A public hearing is required pursuant to Health & Safety Code section 33431.

BACKGROUND: In August 1986, the Alameda County Board of Supervisors adopted the Alameda County Transportation Ordinance. The ordinance was placed on the November 1986 electoral ballot as Measure B and was approved by the voters. The purpose of Measure B was to construct various highway improvements, including the widening of Mission Boulevard near Niles Canyon Road and Mowry Avenue in Fremont. Measure B provided for the creation of the Alameda County Transportation Authority (ACTA).

The California Department of Transportation (Caltrans) and ACTA entered into a cooperative agreement for the purpose of constructing spot improvements along State Route 238 (Mission Boulevard). Caltrans was designated the lead agency in securing the environmental clearance and the necessary right-of-way requirements for the Niles Canyon Road and Mowry Avenue spot improvements. As a result of this project, two City-owned properties and two Redevelopment Agency-owned properties are impacted, as shown on the attached map. The City and Agency granted Caltrans a right of entry to construct the project.

Three of the properties are located at the terminus of Essanay Place Court and west of Mission Boulevard. Two of the three properties at the terminus of Essanay Place are vested in name of the

Redevelopment Agency and are identified by APNs; 507-0796-068-00 and 507-0796-028-00. The third property is vested in the name of the City and is identified as APN 507-0796-029-00. These three parcels were dedicated remnants of Tract 4511 with a recorded date of September 4, 1981. Caltrans will acquire the entire area of each of the three Essanay Place parcels (2,930 sq. ft., 3,183 sq. ft and 330 sq. ft.). The fourth property to be acquired by Caltrans is located at the east side of Mission Boulevard and is part of the Vallejo Mill Historic Park, as shown on the attached map, and is vested in the name of the City and is identified as APN 507-0480-010-01. The Vallejo Mill Historic Park acquisition parcel consists of 422 square feet and a 1,591 square foot storm drain easement over a portion of the Vallejo Mill Historic Park. The fourth parcel is part of the larger park parcel acquired by the City of Fremont on October 10, 1981 and is not improved with any park facilities.

The Essanay parcels are required for relocation, installation and maintenance of the sound wall along the west side of Mission Boulevard. Currently, there is no proposed use or future project for the Essanay Place parcels. The parcels are not independently developable. The City/RDA granted rights of entry to Caltrans on December 12, 2000, and granted an extension on January 6, 2004, so that the spot-widening project could be advertised, awarded, and remain on schedule. Initially, Caltrans sought only partial acquisitions from the Essanay Place parcels. As a result of subsequent meetings with ACTA and Caltrans regarding construction details, staff felt that the Essanay Place acquisition remnants were uneconomic and presented a future economic and maintenance burden. Staff recommended full acquisition of the Essanay Place parcels as a way to relieve the City/RDA of long-term liability as well as maintenance costs and responsibilities. Caltrans recommended acquiring the Essanay Place parcels at no cost via donation. Ultimately, both ACTA and Caltrans agreed to the request for full acquisition and fair market payment for all parcels.

On February 16, 2010, the City/RDA received an offer letter from Caltrans to acquire the four City/RDA owned parcels for a total of \$30,987.42 (\$12,817.12 for the City parcels and \$18,170.30 for the RDA parcels). Staff has reviewed the appraised values and has concluded that they represent the fair market value of the properties.

The sale of surplus property is covered under Government Code sections 54220-54322 and provides that surplus property must first be offered for sale or lease to housing, parks, open space and school districts. However, Government Code section 54221 defines "exempt surplus land" as any property which is a) less than 5,000 square feet in area; b) less than minimum legal residential building lot size, or c) has no record access and is less than 10,000 square feet in area and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low and moderate income housing purposes. In this instance, the parcels to be sold are less than 5,000 square feet and, therefore, meet the definition of exempt surplus property.

Health and Safety Code section 33431 allows the Redevelopment Agency to sell these parcels without public bidding following a public hearing. The hearing was publicly noticed in compliance with section 33431 by publication in the Argus on March 10, 2010.

Staff has determined that:

1. The Essanay Place "remnant" parcels meet the definition of exempt surplus land under Government Code section 54221 and, therefore, are not surplus property which must be offered for sale or lease to housing, parks, schools and other agencies.

2. A Planning Commission finding of General Plan conformity under Government Code section 65402 is not necessary because City Council Resolution No. 9216 created an exemption for minor dispositions of property.
3. The conveyance is not subject to street vacation procedures because these remnants were not a part of street right-of-way (Streets and Highways Code section 8300 and following.)

FISCAL IMPACT: The \$18,170.30 funds received for the sale of the parcels should go to the unappropriated fund balance, account number 950.4930.3920 (non-housing).

ENVIRONMENTAL REVIEW: For the spot widening project of Mission Boulevard near Niles Canyon Road and Mowry Avenue in Fremont, Caltrans prepared the environmental document and received environmental clearance in the form of a Negative Declaration on January 19, 1996. Caltrans acquisition of property was contemplated as part of the original project description in the adopted Negative Declaration. The associated improvements of the original project are in place and no additional improvements are proposed for the subject parcels. No further environmental review is required for the sale of the subject parcels.

ENCLOSURE: [Parcel Map](#)

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5.1 Report Out from Closed Session of Any Final Action